

IN RE: PETITION FOR ZONING VARIANCE
NE/8 North Point Road, 166' NW
of the c/l of Rogers Avenue
(7213 North Point Road)
15th Election District
7th Councilmanic District
Robert Haynes, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-332-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herin request a variance to permit a side yard setback of 6 feet in lieu of the required 10 feet for a proposed enclosure in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. Also appearing on behalf of the Petition was a representative of Patio Enclosures, Inc., Contractor, and Howard Carter, of Howard N. Carter & Son, Inc., adjoining property owner. There were no Protestants.

Testimony indicated that the subject property, known as 7213 North Point Road, consists of 0.209 acres more or less zoned B.R. 5.5, and is currently improved with a single family dwelling. Petitioners propose having a screened in porch and deck added onto the existing dwelling. Due to the layout of the existing dwelling and its location on the lot, the porch enclosure must be placed on the side of the dwelling proposed which necessitated the requested variance. Testimony indicated to grant the requested variance would not result in any detriment to the health, safety or general welfare of the community.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficient-ly complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore

be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

-2-

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of March, 1989 that the Petition for Zoning Variance to permit a side yard setback of 6 feet in lieu of the required 10 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

-3-

2) Petitioner shall not allow or cause the proposed structure to be converted to a second dwelling unit and/or apartments. The addition shall contain no living or sleeping quarters, and no kitchen or bathroom facilities. The property shall be used as a single family dwelling unit only.

3) Upon request and reasonable notice, Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order; and,

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated January 3, 1989, attached hereto and made a part hereof.

J. Robert Haynes
Zoning Commissioner for
Baltimore County

JRH:bjs

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-332-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1. to allow a side yard setback of 6 feet in lieu of the required 10 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

1. This area lends itself to the utilization of existing facilities and land without interruption of the present use of the property.
2. Insulate and reduce heating bills.
3. Reduce outside noise.
4. A place to sit out and not be concerned with the weather, bugs, mosquitoes, flies, etc.
5. Improve appearance of house.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	Robert Haynes
Signature	<i>Robert Haynes</i>
Address	Glen Burnie, Md.
City and State	224 8th Avenue, N.W.
Attorney for Petitioner:	City and State
(Type or Print Name)	7213 North Point Rd.
Address	Edgewater, Md. 21219
City and State	City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted	Patio Enclosures, Inc.
City and State	224 8th Avenue, N.W.
Attorney's Telephone No.:	Glen Burnie, Md. 21061

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of March, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 15th day of March, 1989, at 2:00 o'clock P.M.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haynes
Zoning Commissioner

DATE: January 3, 1989

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Zoning Variance - Item #237
Haynes Property - 7213 North Point Road

Subject property is located at 7213 North Point Road in Edgewater. The site is within the Chesapeake Bay Critical Area and is classified as Intensely Developed Area.

The applicant has requested a variance to allow a side yard setback of six feet in lieu of the required ten feet for a patio enclosure.

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<COMAR 14.15.10.01 >

The proposed development will comply with Critical Area law provided that the zoning petition is conditioned with the following requirements:

1. One major deciduous tree or two conifer trees shall be planted and maintained on the lot. A combination of these two tree types is acceptable provided that 1,000 square feet of tree cover is provided. A major deciduous tree is estimated to cover 1,000 square feet and a conifer, 500 square feet at maturity.

Memo to Mr. J. Robert Haynes
January 3, 1989
Page 2

2. Storm water runoff shall be directed from impervious surfaces associated with this petition to pervious areas to encourage maximum infiltration.

Upon compliance with the above requirements, this project will be approved. Please contact Mr. David C. Flowers at 887-3980 if you require additional information.

Robert W. Sheesley
Robert W. Sheesley, Director
Department of Environmental Protection
and Resource Management

RWS:DCF:tjs

Attachment

cc: The Honorable Ronald B. Hickernell

LEGAL DESCRIPTION OF PROPERTY

Beginning on the North side of Northeast side of North Point Road, 50' at the distance of 166' Northwest of the centerline of Rogers Avenue. Being Lot No. 0002, in the subdivision of Lynch Point. Book 08, folio 038. Also known as 7213 North Point Road, in the 15th election district.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3233
J. Robert Haynes
Zoning Commissioner

March 15, 1989

Mr. & Mrs. Robert Haynes
7213 North Point Road
Baltimore, Maryland 21219

RE: PETITION FOR ZONING VARIANCE
NE/8 North Point Road, 166' NW of the c/l of Rogers Avenue
(7213 North Point Road)
15th Election District - 5th Councilmanic District
Robert Haynes, et ux - Petitioners
Case No. 89-332-A

Dear Mr. & Mrs. Haynes:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

J. Robert Haynes
J. ROBERT HAYNES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: Chesapeake Bay Critical Areas Commission
Taxes State Office Building, D-4
Annapolis, Maryland 21404

Patio Enclosures, Inc.
224 8th Avenue, N.W., Glen Burnie, Md. 21061

People's Counsel

File

NO CONSIDERATION
NO TITLE SEARCH

This Deed, Made This 20th day of August

in the year one thousand nine hundred and eighty-six

of Baltimore County, State of Maryland

of the second part.

Witnesseth, That in consideration of the sum of Zero Dollars, and other good and valuable consideration,

the said ROBERT LEE HAYNES, Widower, party of the first part

do es grant and convey to the said ROBERT LEE HAYNES and GLENDA FAY HAYNES, his wife, as tenants by the entireties, the survivor of them, their

personal representatives, heirs and assigns, in fee simple, all that lot of ground situate in Baltimore County, State of Maryland,

and described as follows, that is to say:

BEING known and designated as Lot No. 2, Block H, as laid out on the Plat of Lynch Point, which plat is recorded among the Land Records of Baltimore County in Plat Book M.P.C. No. 8, folio 38. The improvements thereon being known as No. 7213 North Point Road.

BEING the same lot of ground which by Deed dated September 27th, 1971, and recorded among the Land Records of Baltimore County, in Liber OTD No. 5223, Folio 764, etc., was granted and conveyed by E. Arthur Hurd to Robert Lee Haynes, the Grantor herein and Caroline Sophia Haynes, his wife. The said Caroline Sophia Haynes departed this life on April 9, 1973, thereby vesting full power in the said grantor herein.

STATE DEPARTMENT OF
ASSESSMENTS & TAXATION
J.R. 9886
CLERK DATE

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE JR DATE 9886

TRANSFER TAX NOT REQUIRED
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
15th ELECTION DISTRICT - 7th Councilmanic
Petitioner(s): Robert Haynes, et ux
HEARING SCHEDULED: TUESDAY, FEBRUARY 21, 1989 at 2:00 p.m.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haynes
Zoning Commissioner

Mr. & Mrs. Robert Haynes
7213 Northpoint Road
Edgemere, Maryland 21219

Re: Petition for Zoning Variance
CASE NUMBER: 89-332-A
145 North Point Road, 156' NW c/l Rogers Avenue
7213 North Point Road
15th Election District - 7th Councilmanic
Petitioner(s): Robert Haynes, et ux
HEARING SCHEDULED: TUESDAY, FEBRUARY 21, 1989 at 2:00 p.m.

Dear Mr. & Mrs. Haynes:

Please be advised that 9493 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, 15th and York Streets, Baltimore, Maryland 21202, (15) minutes before

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 2/21/89 ACCOUNT 9493

AMOUNT \$ 9493

RECEIVED FROM Robert Haynes

FOR 14A 2/21/89

3 B...

VALIDATION OR SIGNATURE OF CASHIER

DATE TYPED PRE-AGENCY YELLOW CUSTOMER

Together with the buildings thereupon, and the rights, alleys, ways, waters privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To HAVE AND TO HOLD the said described lot above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining unto and to the proper use and benefit of the said ROBERT LEE HAYNES and GLENDA FAY HAYNES, his wife, as tenants by the entireties, the survivor of them, their heirs personal representatives, heirs and assigns

and assigns, in fee simple.

And the said party of the first part hereby covenant s that he has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that he will warrant specially the property hereby granted; and that he will execute such further assurances of the same as may be requisite.

Witness the hand and seal of said grantor

Test:

Robert Lee Haynes (SEAL)
Robert Lee Haynes

STATE OF MARYLAND, Baltimore County, to wit:

I HEREBY CERTIFY, That on this 20th day of July 1986, in the year one thousand nine hundred and eighty-six, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared ROBERT LEE HAYNES,

known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing Deed to be his act, and in my presence signed and sealed the same.

In Witness Whereof, I hereunto set my hand and official seal.

NOTARY
DENNIS J. WHITE
My Commission expires: 7/1/92

Mail to: Robert Lee Haynes
Address: 1541 Mount Road
9493

*At the request of Robert Lee Haynes, no title search was made and this Deed was prepared solely on the basis of information furnished by Robert Lee Haynes.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haynes
Zoning Commissioner

Dennis F. Kaussman
County Executive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-332-A
145 North Point Road, 156' NW c/l Rogers Avenue
7213 North Point Road
15th Election District - 7th Councilmanic
Petitioner(s): Robert Haynes, et ux
HEARING SCHEDULED: TUESDAY, FEBRUARY 21, 1989 at 2:00 p.m.

Variance to allow a side yard setback of 6 ft. in lieu of the required 10 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haynes

J. ROBERT HAYNES
Zoning Commissioner of
Baltimore County

cc: Mr. & Mrs. Robert Haynes
Patio Enclosures, Inc.
Chesapeake Bay Critical Area Commission
File

JUDGE SOLOMON LISS
CHAIRMAN

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREAS COMMISSION
DEPARTMENT OF NATURAL RESOURCES
TAVES STATE OFFICE BUILDING, D-4
ANNAPOLIS, MARYLAND 21401
974-2418 or 974-2428

SARAH J. TAYLOR, PhD
EXECUTIVE DIRECTOR

January 30, 1989

COMMISSIONERS

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Anne Arnold Co.

James E. Gorman

Baltimore City

Ronald Karasz

Calvert Co.

Thomas Jarvis

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Kathryn D. Langner

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Dorchester Co.

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Paris Glendening

Prince George's Co.

Robert R. Price, Jr.

Queen Anne's Co.

J. Frank Raley, Jr.

St. Mary's Co.

Ronald D. Adams

Somerset Co.

Shepard Kroch, Jr.

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Samuel E. Turner, Sr.

Talbot Co.

William J. Boslan

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Russell Blave

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J. Randall Evans

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Archie Cape

Housing and Community Development

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Constance Linder

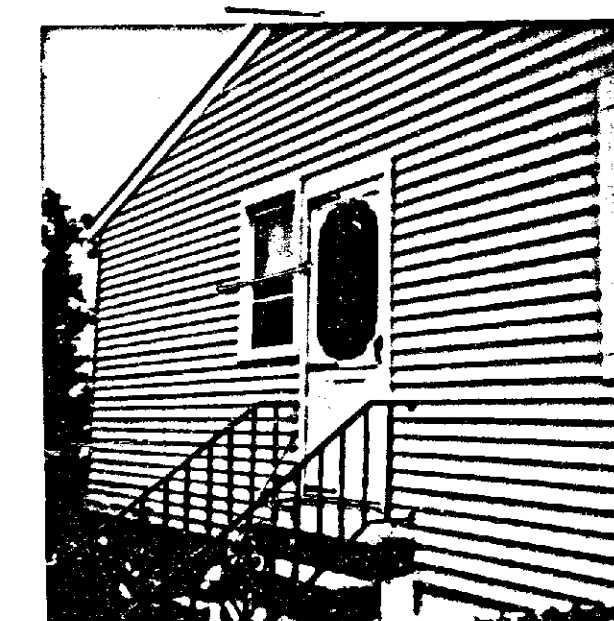
Planning

TTY for Desl: Annapolis-974-2609 D.C. Metro-585-0450

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 15th
Posted for: Variance
Petitioner: Robert Haynes, et ux
Location of property: 145 North Point Road, 156' NW c/l Rogers Avenue
7213 North Point Road
Location of Sign: Facing N. Pt. Rd., approx. 25' E. of Rd. Wdy.
Remarks: On property of R. Haynes
Posted by: J. Robert Haynes
Date of return: 2/21/89
Number of Signs: 2

PETITIONER(S) EXHIBIT (2)



LICENSED & BOND
Bill's
Warranty
RESIDENTS
A.A. & B.B.
DUNDALK
SPECIAL
HARRY KEMINKOW & SON
FREE ESTIMATES
Showroom 38 S. Dundalk Ave.
License #1156
284-8925 285-1144
Appliance Repair
DUNDALK APPLIANCE
SERVICE
Servicing Washers, Dryers,
Central Air Conditioning
Refrigerators 15 Years
Serving Dundalk Day Service
Usual Same Day Service
Reasonable Rates &
Guarantees
284-5420
DART
Appliance Repair Service
Washers, Dryers,
Refrigerators, Microwaves &

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

4 N. Center Place
P.O. Box 8936
Dundalk, Md. 21222

February 3, 1989

THIS IS TO CERTIFY, that the annexed advertisement of J. Robert Haynes in the matter of Zoning Hrgs. Case #89-332-A - P.C. #09591 - Reg. #M25222 - 85 lines was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one successive weeks before the 3rd day of February 1989; that is to say, the same was inserted in the issues of February 2, 1989

Kimbel Publication, Inc.
per Publisher.

By K. P. O'Brien

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 3, 1989.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on February 2, 1989.

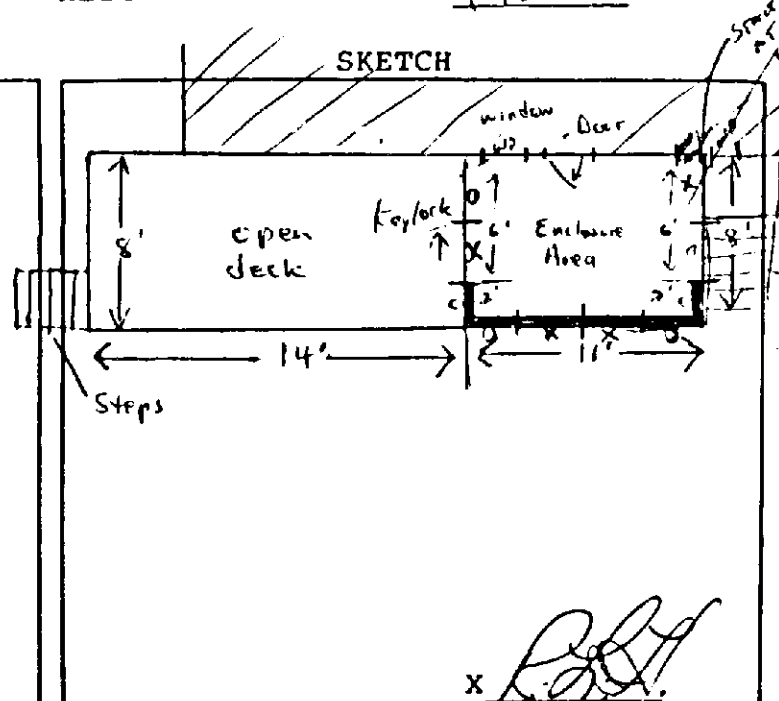
THE JEFFERSONIAN,

S. J. O'Brien
Publisher

PO 09604
NY M 25221
ca 89-332-A
price \$37.43



OVERHANG: None
HEIGHT PAD TO HOUSE 96"



PETITIONER'S
EXHIBIT 2

NOTES: Enclosure in side of house, 8'x25' back, 8'x14' open back, 8'x11' enclosure.
T/O Raws & top step

MEASURE MAN DATE MEASURED:
ELECT: NO YES
TEAR OUT: (NO) YES
HAUL AWAY: (NO) YES
BUG PROOF: NO YES
WINGS: NO YES
ELEVATED: NO YES
MOUNTING SURFACE:
TYPE OF ROOF:

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

January 17, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 199, 205, 209, 237, 238, 239, 240, 241, 243, 244, 245, 246, and 247.

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lvw


Dennis F. Rasmussen
County Executive

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reineke
Chief

December 29, 1988

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: Robert Haynes, et ux (critical)

Location: NE/S N. Pt. Rd., 166' NW of c/1 of Rogers Avenue
7213 N. Pt. Rd.

Item No.: 237

Zoning Agenda: Meeting of 12/20/88


Dennis F. Rasmussen
County Executive

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____
EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Carl J. Kelly 12-29-88*
Planning Group
Special Inspection Division

NOTED &
APPROVED: *S. W. L. O'Neill*
Fire Prevention Bureau

/s/

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
TO: Zoning Commissioner

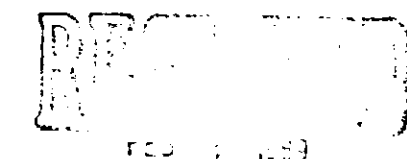
Date: February 1, 1989

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Zoning Petition Nos. 89-222-SPH (Lawrence); 89-302 (Lagna); 89-303-A (Go);
89-225-A (Perrn Ltd.); 89-335-A (SK Properties); 89-326-A (Angelos);
89-332-A (Haynes); 89-333-A (Hart)

The Office of Planning and Zoning has no comment on the above petitions.

PK/sf



ZONING OFFICE

cc: Robert Haynes, et ux
2/2/89